

DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF PROPOSED ACTION

**AMENDMENT OF THE 2001 CALIFORNIA BUILDING CODE,
TITLE 24, PART 2, VOL. 1, OF THE CALIFORNIA CODE OF REGULATIONS**

Notice is hereby given that the Department of Food and Agriculture (Department) proposes to amend the building standards contained in Title 24, Part 2, Vol. 1, of the California Code of Regulations.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from February 3, 2006 until 5:00 p.m. on March 20, 2006. Please address your written comments to:

Douglas Hepper, DVM
Department of Food and Agriculture
Meat and Poultry Inspection Branch
1220 N Street, Room A-125
Sacramento, CA 95814

Written Comments may also be faxed to (916) 654-2608 or E-mailed to DHepper@cdfa.ca.gov

Pursuant to Government Code Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the Department may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Department adopts, amends, or repeals the regulation(s). The Department will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The amendments to the building standards are granted under the authority of Health and Safety Code Section (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928.

The amendments to the building standards for places of meat or poultry inspection are granted under the authority of Food and Agricultural Code sections 18735 and 19384. The Department is implementing, interpreting or making specific the provisions of Food and Agricultural Code sections 19017 and 19240.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Statutes:

Food and Agricultural Code Section 18735. Authorizes the Department to adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to state operations and transactions.

Food and Agricultural Code Section 19384. Authorizes the Department to establish by regulation the condition under which carcasses or parts or products of animals for pet food may be processed, transported, and stored to prevent diversion into human food channels.

Food and Agricultural Code Section 19017. Specifies, in part, that it is unlawful for a person to operate a meat processing establishment not licensed by the Department; operate an establishment that is not clean; operate an establishment in a manner or under conditions that are not sanitary; operate an establishment that does not meet the sanitary building or equipment standards pursuant to regulations.

Food and Agricultural Code Section 19240. Specifies, in part, that every person engaged in the business of slaughtering animals for pet food shall be licensed by the Department.

Summary of Existing Regulations:

The Department has in place regulations pertaining to places of meat and poultry inspection under Subchapter 1 (commencing with section 900) and Subchapter 2 (commencing with section 1180) of Chapter 4, and Subchapter 1 (commencing with section 1200) of Chapter 5, of Division 2, Title 3, of the California Code of Regulations.

Summary of Effect

This proposed action will make effective the amendments to the 2001 California Building Code with necessary amendments to occupancies applicable to places of meat and poultry inspection in California, pursuant to Health and Safety Code 18938, 180 days after the publication of the amendments to the 2001 California Building Code.

Comparable Federal Statute or Regulations

The meat and poultry slaughter/processing facilities inspected by the Department are exempt from federal inspection. However, the requirements for the state-inspected facilities are consistent with federal regulations, except where they pertain specifically to Department, pursuant to section 18693 of the Food and Agricultural Code.

Policy Statement Overview

The amendment of the 2001 California Building Code provides up to date regulations applicable to places of meat and poultry inspection in California for new building projects and existing buildings to be remodeled. This proposal contains technical, cleanup language for meat and poultry processing plants, collection centers and facilities, renderers, and horsemeat and pet food establishments.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The Department has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Department has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. In making this determination, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period.

DECLARATION OF EVIDENCE

The Department has determined there were no record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

FINDING OF NECESSITY FOR A REPORT FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

No report is required for this regulation.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Department has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations will not effect the creation of or elimination of jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations will not effect the creation of or the elimination of existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will not effect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Department has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the Department's website:

<http://www.cdfa.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person(s) named below.

DEPARTMENT CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Nancy Grillo, Regulation Coordinator
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Room A-116
Sacramento, CA 95814
(916) 651-7280
NGrillo@cdfa.ca.gov

DEPARTMENT CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Douglas Hepper, DVM
Department of Food and Agriculture
Meat and Poultry Inspection Branch
1220 N Street, Room A-125
Sacramento, CA 95814
(916) 654-0504
DHepper@cdfa.ca.gov